



**THE ATTORNEY GENERAL  
OF TEXAS**

**CRAWFORD C. MARTIN**  
ATTORNEY GENERAL

**AUSTIN, TEXAS 78711**

April 25, 1967

Honorable Tom Bass  
Chairman  
School Districts Committee  
House of Representatives  
Austin, Texas

Opinion No. M-63

Re: Whether H.B. 489 requires  
30 days notification before  
introduction under Article  
III, Section 57 of the Texas  
Constitution and related  
questions.

Dear Representative Bass:

Your request for an opinion relates to the constitutionality of H.B. 489 of the 60th Legislature, and as to whether the same requires 30 days notification before introduction as provided in Article III, Section 57 of the Texas Constitution.

H.B. 489 is a Bill to be entitled an Act, "relating to the election of school trustees in certain independent school districts having two hundred thousand (200,000) or more scholastics according to the last scholastic census and wherein there is situated a city having a population of nine hundred thousand (900,000) or more inhabitants according to the last Federal Census"; amending Sections 2, 3, and 4, Chapter 339, Acts of the 52nd Legislature, 1951, as amended (Article 2774b, Vernon's Texas Civil Statutes); and declaring an emergency."

Senate Bill 233 of the 52nd Legislature, 1951, codified as Article 2774b, Vernon's Civil Statutes, (the Act which this Bill amends) was passed upon by this office, and it was held in Attorney General's Opinion R-2323 (1951) that Senate Bill 233 as then drafted, was a local and special law contravening Section 56 of Article III, Constitution of Texas, as the Bill was limited to a city having a certain population or more according to the 1950 Federal Census. This opinion further stated that an amendment to the Bill to the effect that the population is to be governed by the last

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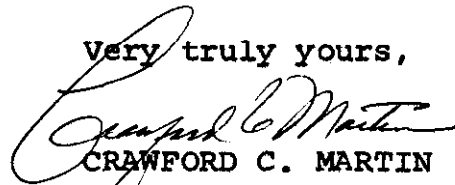
preceding Federal Census, rather than the 1950 Federal Census would remove the constitutional defect in the Bill. Before Senate Bill 233 was enacted into law, it was amended in accordance with the Attorney General's suggestion.

H.B. 489 merely changes the method of electing the Trustees, and you are therefore advised that H.B. 489 is constitutional and does not violate the provisions of Article III, Sections 56 and 57 of the Constitution of Texas or any other provision of the Texas Constitution.

S U M M A R Y

H.B. 489, amending Sections 2, 3, and 4, Chapter 339 of the 52nd Legislature, 1951, as amended, is constitutional.

Very truly yours,

  
CRAWFORD C. MARTIN  
Attorney General of Texas

Prepared by John H. Banks  
Assistant Attorney General

APPROVED:  
OPINION COMMITTEE

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